

AMENDED IN ASSEMBLY JULY 12, 2001

AMENDED IN SENATE APRIL 30, 2001

SENATE BILL

No. 136

Introduced by Senator Figueroa

(Coauthors: Senators Johannessen and Polanco)

(Coauthors: Assembly Members Aanestad, Correa, and Thomson)

January 29, 2001

An act to amend Sections 5800, 5810, 6710, 6714, 6795, 6799, 7200, 7215.6, 7801, 7802, 7802.1, 7803, 7803.1, 7805, 7806, 7810, 7811, 7815.5, 7816, 7822, 7832, 7836, 7839, 7839.1, 7840, 7841, 7841.1, 7842, 7844, 7849, 7852, 7860, 7861, 7871, 7872, 7885, 8710, 7215.6, 7801, 8710, 8741.1, 8801, 8805, 22251, and 22259 of, to add Sections 5801.1, 5811, 5812, 7801.1, 7802.2, 7802.3, 7803.2, 7803.3, 7803.4, 7803.5, 7806.1, 7808, 7809, 7826, 7832.1, 7836.1, 7837, 7839.2, 7839.3, 7840.1, 7841.3, 7841.4, 7856, 7864, 7865, and 7871.1 to, to repeal Sections 7804, 7804.1, 7807, 7807.1, 7815, 7817, 7818, 7819, 7820, 7823, 7825, 7830.1, 7831, 7834, 7835, 7835.1, 7838, 7845, 7845.1, 7846, 7847, 7848, 7848.1, 7850.1, 7850.5, 7850.6, 7852.1, 7855, 7862, 7863, 7870, 7880, 7881, 7882, 7883, 7884, and 7887 of, and to repeal and add Sections 7830, 7833, 7842.1, 7850, 7853, and 7854 of, the Business and and 5812 to, the Business and Professions Code, relating to professional boards, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 136, as amended, Figueroa. Professional boards.

(1) Existing law provides for the establishment of various professional boards and professional titling and regulatory programs

within the Department of Consumer Affairs, including the ~~Board for Geologists and Geophysicists~~ *interior designer titling act*, the *Board for Professional Engineers and Land Surveyors*, the *State Board of Guide Dogs for the Blind*, and ~~until July 1, 2002, the Board for Professional Engineers and Land Surveyors~~ *the Tax Preparer program*.

Funds in the Professional Engineer's and Land Surveyor's Fund are continuously appropriated for purposes of the Board for Professional Engineers and Land Surveyors.

This bill would extend the operation of the *titling provisions relating to interior designers*, the *Board for Professional Engineers and Land Surveyors* ~~until July 1, 2004~~, the *State Board of Guide Dogs for the Blind*, and the *Tax Preparer program*. The bill would ~~make changes in the dates of operation for various other boards within the department~~ *authorize the Board for Professional Engineers and Land Surveyors to increase registration fees for professional engineers and would thereby make an appropriation by including fee amounts deposited in a continuously appropriated fund*. Because the bill would impose crimes and penalties for an extended period of time, the bill would impose a state-mandated local program.

~~(2) The Geologists and Geophysicist Act provides for the examination and registration of geologists and geophysicists by the Board for Geologists and Geophysicists and requires the board to enforce the provisions of the act. A violation of the act is a crime.~~

~~This bill would require the licensure of a person by the board to practice as a geologist or geophysicist in California. The bill would make various changes to the composition and duties of the board and the regulations relating to the practice of geology and geophysics. Because a violation of the bill's requirements with respect to the practice of geology and geophysics would be a crime, the bill would impose a state-mandated local program.~~

~~(3) The~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: ~~no~~ yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 5800 of the Business and Professions Code is amended to read:

5800. As used in this chapter:

(a) “Certified interior designer” means a person who prepares and submits nonstructural or nonseismic plans consistent with Sections 5805 and 5538 to local building departments that are of sufficient complexity so as to require the skills of a licensed contractor to implement them, and who engages in programming, planning, designing, and documenting the construction and installation of nonstructural or nonseismic elements, finishes and furnishings within the interior spaces of a building, and has demonstrated by means of education, experience and examination, the competency to protect and enhance the health, safety, and welfare of the public.

(b) An “interior design organization” means a nonprofit organization, exempt from taxation under Section 501(c)(3) of Title 26 of the United States Code, of certified interior designers whose governing board shall include representatives of the public.

SEC. 2. Section 5801.1 is added to the Business and Professions Code, to read:

5801.1. The procedure for the issuance of a stamp by an interior design organization under Section 5801, including the examinations recognized and required by the organization, shall be subject to the occupational analyses and examination validation required by Section 139 every five to seven years.

SEC. 3. Section 5810 of the Business and Professions Code is amended to read:

5810. This chapter shall be subject to the review required by Division 1.2 (commencing with Section 473).

This chapter shall remain in effect only until January 1, 2004, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2004, deletes or extends that date.

SEC. 4. Section 5811 is added to the Business and Professions Code, to read:

5811. An interior design organization issuing stamps under Section 5801 shall do the following:

(a) Report to the Joint Legislative Sunset Review Committee by September 1, 2002, on outreach efforts, examinations,

1 finances, interactions of the organization, and materials and
2 information.

3 (b) Have an audit conducted independently of their revenues
4 and expenditures and provide the results of the audit to the Joint
5 Legislative Sunset Review Committee within a reasonable time.

6 SEC. 5. Section 5812 is added to the Business and Professions
7 Code, to read:

8 5812. It is an unfair business practice for any person to
9 represent themselves as a “certified interior designer” unless they
10 comply with the requirements of this chapter.

11 SEC. 6. Section 6710 of the Business and Professions Code
12 is amended to read:

13 6710. (a) There is in the Department of Consumer Affairs a
14 Board for Professional Engineers and Land Surveyors, which
15 consists of 13 members.

16 (b) Any reference in any law or regulation to the Board of
17 Registration for Professional Engineers and Land Surveyors is
18 deemed to refer to the Board for Professional Engineers and Land
19 Surveyors.

20 (c) This section shall become inoperative on July 1, 2004, and,
21 as of January 1, 2005, is repealed, unless a later enacted statute,
22 that becomes effective on or before January 1, 2005, deletes or
23 extends the dates on which it becomes inoperative and is repealed.
24 The repeal of this section renders the board subject to the review
25 required by Division 1.2 (commencing with Section 473).
26 However, the review of the board shall be limited to only those
27 unresolved issues identified by the Joint Legislative Sunset
28 Review Committee.

29 SEC. 7. Section 6714 of the Business and Professions Code
30 is amended to read:

31 6714. The board shall appoint an executive officer at a salary
32 to be fixed and determined by the board with the approval of the
33 Director of Finance.

34 This section shall become inoperative on July 1, 2004, and, as
35 of January 1, 2005, is repealed, unless a later enacted statute, that
36 becomes effective on or before January 1, 2005, deletes or extends
37 the dates on which it becomes inoperative and is repealed.

38 SEC. 8. Section 6795 of the Business and Professions Code
39 is amended to read:



6795. Certificates of registration as a professional engineer, and certificates of authority, shall be valid for a period of two years from the assigned date of renewal. Biennial renewals shall be staggered on a monthly basis. To renew an unexpired certificate, the certificate holder shall, on or before the date of expiration indicated on the renewal receipt, apply for renewal on a form prescribed by the board, and pay the renewal fee prescribed by this chapter.

SEC. 9. Section 6799 of the Business and Professions Code is amended to read:

6799. The amount of the fees prescribed by this chapter shall be fixed by the board in accordance with the following schedule:

(a) The fee for filing each application for registration as a professional engineer and each application for authority level designation at not more than four hundred dollars (\$400), and for each application for certification as an engineer-in-training at not more than one hundred dollars (\$100).

(b) The temporary registration fee for a professional engineer at not more than 25 percent of the application fee in effect on the date of application.

(c) The renewal fee for each branch of professional engineering in which registration is held, and the renewal fee for each authority level designation held, at no more than the professional engineer application fee currently in effect.

(d) The fee for a retired license at not more than 50 percent of the professional engineer application fee in effect on the date of application.

(e) The delinquency fee at not more than 50 percent of the renewal fee in effect on the date of reinstatement.

(f) The board shall establish by regulation an appeal fee for examination. The regulation shall include provisions for an applicant to be reimbursed the appeal fee if the appeal results in passage of examination. The fee charged shall be no more than the costs incurred by the board.

(g) All other document fees are to be set by the board by rule. Applicants wishing to be examined in more than one branch of engineering shall be required to pay the additional fee for each examination after the first.

SEC. 10. Section 7200 of the Business and Professions Code is amended to read:

1 7200. (a) There is in the Department of Consumer Affairs a
2 State Board of Guide Dogs for the Blind in whom enforcement of
3 this chapter is vested. The board shall consist of seven members
4 appointed by the Governor. One member shall be the Director of
5 Rehabilitation or his or her designated representative. The
6 remaining members shall be persons who have shown a particular
7 interest in dealing with the problems of the blind, and at least two
8 of them shall be blind persons who use guide dogs.

9 (b) This section shall become inoperative on July 1, 2008, and,
10 as of January 1, 2009, is repealed, unless a later enacted statute,
11 which becomes effective on or before January 1, 2009, deletes or
12 extends the dates on which it becomes inoperative and is repealed.

13 SEC. 11. Section 7215.6 of the Business and Professions
14 Code is amended to read:

15 7215.6. (a) In order to provide a procedure for the resolution
16 of disputes between guide dog users and guide dog schools relating
17 to the continued physical custody and use of a guide dog, in all
18 cases except those in which the dog user is the unconditional legal
19 owner of the dog, the following arbitration procedure shall be
20 established as a pilot project.

21 (b) This procedure establishes an arbitration panel for the
22 settlement of disputes between a guide dog user and a licensed
23 guide dog school regarding the continued use of a guide dog by the
24 user in all cases except those in which the dog user is the
25 unconditional legal owner of the dog. The disputes which may be
26 subject to this procedure concern differences between the user and
27 school over whether or not a guide dog should continue to be used,
28 differences between the user and school regarding the treatment of
29 a dog by the user, and differences over whether or not a user should
30 continue to have custody of a dog pending investigation of charges
31 of abuse. It specifically does not address issues such as admissions
32 to schools, training practices, or other issues relating to school
33 standards. The board and its representative are not parties to any
34 dispute described in this section.

35 (c) The licensed guide dog schools in California and the board
36 shall provide to guide dog users graduating from guide dog
37 programs in these schools a new avenue for the resolution of
38 disputes that involve continued use of a guide dog, or the actual
39 physical custody of a guide dog. Guide dog users who are
40 dissatisfied with decisions of schools regarding continued use of

1 guide dogs may appeal to the board to convene an arbitration panel
2 composed of all of the following:

3 (1) One person designated by the guide dog user.

4 (2) One person designated by the licensed guide dog school.

5 (3) A representative of the board who shall coordinate the
6 activities of the panel and serve as chair.

7 (d) If the guide dog user or guide dog school wishes to utilize
8 the arbitration panel, this must be stated in writing to the board.

9 The findings and decision of the arbitration panel shall be final and
10 binding. By voluntarily agreeing to having a dispute resolved by
11 the arbitration panel and subject to its procedures, each party to the
12 dispute shall waive any right for subsequent judicial review.

13 (e) A licensed guide dog school that fails to comply with any
14 provision of this section shall automatically be subject to a penalty
15 of two hundred fifty dollars (\$250) per day for each day in which
16 a violation occurs. The penalty shall be paid to the board. The
17 license of a guide dog school shall not be renewed until all
18 penalties have been paid.

19 The fine shall be assessed without advance hearing, but the
20 licensee may apply to the board for a hearing on the issue of
21 whether the fine should be modified or set aside. This application
22 shall be in writing and shall be received by the board within 30
23 days after service of notice of the fine. Upon receipt of this written
24 request, the board shall set the matter for hearing within 60 days.

25 (f) As a general rule, custody of the guide dog shall remain with
26 the guide dog user pending a resolution by the arbitration panel.
27 In circumstances where the immediate health and safety of the
28 guide dog user or guide dog is threatened, the licensed school may
29 take custody of the dog at once. However, if the dog is removed
30 from the user's custody without the user's concurrence, the school
31 shall provide to the board the evidence that caused this action to
32 be taken at once and without fail; and within five calendar days a
33 special committee of two members of the board shall make a
34 determination regarding custody of the dog pending hearing by the
35 arbitration panel.

36 (g) The arbitration panel shall decide the best means to
37 determine final resolution in each case. This shall include, but is
38 not limited to, a hearing of the matter before the arbitration panel
39 at the request of either party to the dispute, an opportunity for each
40 party in the dispute to make presentations before the arbitration

1 panel, examination of the written record, or any other inquiry as
2 will best reveal the facts of the disputes. In any case, the panel shall
3 make its findings and complete its examination within 45 calendar
4 days of the date of filing the request for arbitration, and a decision
5 shall be rendered within 10 calendar days of the examination.

6 All arbitration hearings shall be held at sites convenient to the
7 parties and with a view to minimizing costs. Each party to the
8 arbitration shall bear its own costs, except that the arbitration
9 panel, by unanimous agreement, may modify this arrangement.

10 (h) The board may study the effectiveness of the arbitration
11 panel pilot project in expediting resolution and reducing conflict
12 in disputes between guide dog users and guide dog schools and
13 may share its findings with the Legislature upon request.

14 (i) This section shall cease to be operative on July 1, 2008, and
15 as of January 1, 2009, is repealed, unless a later enacted statute,
16 which is enacted before January 1, 2009, deletes or extends that
17 date.

18 SEC. 12. Section 7801 of the Business and Professions Code
19 is amended to read:

20 7801. As used in this chapter, “board” means the Board for
21 Geologists and Geophysicists. Any reference in any law or
22 regulation to the State Board of Registration for Geologists and
23 Geophysicists shall be deemed to refer to the Board for Geologists
24 and Geophysicists.

25 ~~SEC. 13. Section 7801.1 is added to the Business and~~
26 ~~Professions Code, to read:~~

27 ~~7801.1. “Department” means the Department of Consumer~~
28 ~~Affairs.~~

29 ~~SEC. 14. Section 7802 of the Business and Professions Code~~
30 ~~is amended to read:~~

31 ~~7802. “Geology” refers to the science that includes the~~
32 ~~investigation and evaluation of the earth, including its origin,~~
33 ~~history, structure, constituent rocks, soils, minerals, and solids, as~~
34 ~~well as surface and subsurface waters, gases and other materials;~~
35 ~~and the evaluation of the natural agents, forces, and processes that~~
36 ~~cause changes in the earth.~~

37 ~~SEC. 15. Section 7802.1 of the Business and Professions~~
38 ~~Code is amended to read:~~

39 ~~7802.1. “Geophysics” refers to the science that includes the~~
40 ~~investigation and evaluation of the physical earth by means of~~

1 ~~measuring its natural and induced fields of force, including, but~~
2 ~~not limited to, seismic, electric, gravity, and magnetic, and its~~
3 ~~responses to natural induced energy and the interpretation of these~~
4 ~~measurements and relating them to the physics of the earth.~~

5 ~~SEC. 16. Section 7802.2 is added to the Business and~~
6 ~~Professions Code, to read:~~

7 ~~7802.2. The “practice of geology” means the performance or~~
8 ~~supervision of, geological service or work for others, including,~~
9 ~~but not limited to, investigation, evaluation, planning, surveying,~~
10 ~~mapping of geologic phenomena or data, and may include the~~
11 ~~review, including regulatory review of geologic work, the~~
12 ~~performance of which is relevant to public welfare or the~~
13 ~~safeguarding of life, health, property, and the environment, except~~
14 ~~as otherwise specifically provided by this chapter.~~

15 ~~SEC. 17. Section 7802.3 is added to the Business and~~
16 ~~Professions Code, to read:~~

17 ~~7802.3. The “practice of geophysics” means the performance~~
18 ~~or supervision of, geophysical service or work for others,~~
19 ~~including, but not limited to, investigation, evaluation, planning,~~
20 ~~surveying, mapping of geologic phenomena or data and may~~
21 ~~include the review, including regulatory review, the performance~~
22 ~~of which is relevant to the public welfare or the safeguarding of~~
23 ~~life, health, property, and the environment, except as otherwise~~
24 ~~specifically provided by this chapter.~~

25 ~~SEC. 18. Section 7803 of the Business and Professions Code~~
26 ~~is amended to read:~~

27 ~~7803. “Geologist” means a person who, by reason of his or~~
28 ~~her knowledge of geology acquired by education and practical~~
29 ~~experience, is qualified to engage in the practice of geology, as~~
30 ~~defined by this act.~~

31 ~~SEC. 19. Section 7803.1 of the Business and Professions~~
32 ~~Code is amended to read:~~

33 ~~7803.1. “Geophysicist” means a person who, by reason of~~
34 ~~his or her knowledge of geology, physics, mathematics, and the~~
35 ~~supporting physical sciences acquired by education and practical~~
36 ~~experience, is qualified to engage in the practice of geophysics, as~~
37 ~~defined by this act.~~

38 ~~SEC. 20. Section 7803.2 is added to the Business and~~
39 ~~Professions Code, to read:~~

40 ~~7803.2. “Licensee” means a person licensed under this act.~~

1 ~~SEC. 21. Section 7803.3 is added to the Business and~~
2 ~~Professions Code, to read:~~

3 ~~7803.3. “Licensed geologist” or “professional geologist”~~
4 ~~means a geologist who has been issued a license by the Board for~~
5 ~~Geologists and Geophysicists.~~

6 ~~SEC. 22. Section 7803.4 is added to the Business and~~
7 ~~Professions Code, to read:~~

8 ~~7803.4. “Licensed geophysicist” or “professional~~
9 ~~geophysicist” means a geophysicist who has been issued a license~~
10 ~~by the Board for Geologists and Geophysicists.~~

11 ~~SEC. 23. Section 7803.5 is added to the Business and~~
12 ~~Professions Code, to read:~~

13 ~~7803.5. Any reference in any law or regulation to a registered~~
14 ~~geologist is deemed to refer to a licensed geologist or professional~~
15 ~~geologist. Any reference in any law or regulation to a registered~~
16 ~~geophysicist is deemed to refer to a licensed geophysicist or~~
17 ~~professional geophysicist.~~

18 ~~SEC. 24. Section 7804 of the Business and Professions Code~~
19 ~~is repealed.~~

20 ~~SEC. 25. Section 7804.1 of the Business and Professions~~
21 ~~Code is repealed.~~

22 ~~SEC. 26. Section 7805 of the Business and Professions Code~~
23 ~~is amended to read:~~

24 ~~7805. “Responsible charge” means the independent control,~~
25 ~~direction, and continuous involvement, by use of initiative,~~
26 ~~experience, education, skill, and independent judgment, of~~
27 ~~geological or geophysical work or the supervision of that work.~~

28 ~~SEC. 27. Section 7806 of the Business and Professions Code~~
29 ~~is amended to read:~~

30 ~~7806. “Subordinate” means any person who assists a~~
31 ~~licensed geologist or licensed geophysicist, or who assists an~~
32 ~~exempt person, in the practice of geology or geophysics without~~
33 ~~assuming the responsible charge of the work.~~

34 ~~SEC. 28. Section 7806.1 is added to the Business and~~
35 ~~Professions Code, to read:~~

36 ~~7806.1. “Supervision” is the direct control of subordinates on~~
37 ~~projects for which a licensee has responsible charge.~~

38 ~~SEC. 29. Section 7807 of the Business and Professions Code~~
39 ~~is repealed.~~

1 ~~SEC. 30. Section 7807.1 of the Business and Professions~~
2 ~~Code is repealed.~~

3 ~~SEC. 31. Section 7808 is added to the Business and~~
4 ~~Professions Code, to read:~~

5 ~~7808. “For others” refers to the public; the people of~~
6 ~~California.~~

7 ~~SEC. 32. Section 7809 is added to the Business and~~
8 ~~Professions Code, to read:~~

9 ~~7809. As used in this chapter, the following terms relating to~~
10 ~~specialties shall have the meanings ascribed to them below:~~

11 ~~(a) A “specialty” is any branch of geology or geophysics that~~
12 ~~has been recognized pursuant to this chapter for the purposes of~~
13 ~~licensure. Engineering geology and hydrogeology shall be~~
14 ~~considered to be specialties of geology.~~

15 ~~(b) A “certified specialty geologist” is a licensed geologist~~
16 ~~who has met the academic and experience qualifications in a~~
17 ~~specialty of geology established pursuant to this chapter and has~~
18 ~~been issued a license in that specialty by the board.~~

19 ~~(c) A “certified specialty geophysicist” is a licensed~~
20 ~~geophysicist who has met the academic and experience~~
21 ~~qualifications in a specialty of geophysics established pursuant to~~
22 ~~this chapter and has been issued a license in that specialty by the~~
23 ~~board.~~

24 ~~(d) “Engineering geology” refers to a specialty of geology that~~
25 ~~includes the application of geologic data, techniques, and~~
26 ~~principles to the evaluation and prediction of geologic hazards,~~
27 ~~materials, and processes that affect land-use planning, design,~~
28 ~~construction, operation and maintenance of the built environment,~~
29 ~~and the protection, evaluation, development, and remediation of~~
30 ~~surface and subsurface water resources.~~

31 ~~(e) A “certified engineering geologist” is a licensed geologist~~
32 ~~who, by reason of his or her knowledge of engineering geology,~~
33 ~~acquired by education and practical experience, and who has~~
34 ~~passed examinations required pursuant to this chapter, is licensed~~
35 ~~to use the title of certified engineering geologist.~~

36 ~~(f) “Hydrogeology” refers to a specialty of geology that~~
37 ~~includes the application of the science of geology to the evaluation~~
38 ~~of the occurrence, distribution, quantity, quality and movement of~~
39 ~~water, gases, particles, and other materials below the surface of the~~

1 earth, with particular emphasis given to groundwater quality and
2 contaminant transport.

3 (g) A “certified hydrogeologist” is a licensed geologist who,
4 by reason of his or her knowledge of hydrogeology acquired by
5 education and practical experience, and who has passed
6 examinations required pursuant to this chapter, is licensed to use
7 the title certified hydrogeologist.

8 SEC. 33.—Section 7810 of the Business and Professions Code
9 is amended to read:

10 7810.—There is in the Department of Consumer Affairs a
11 Board for Geologists and Geophysicists. The board shall be
12 composed of seven members, four of whom shall be public
13 members and three licensed in accordance with the terms of this
14 act. Two of the licensees shall be geologists and one shall be a
15 geophysicist.

16 Each member of the board shall be appointed for a four-year
17 term expiring June 1. Terms are staggered so that not more than
18 two appointments are scheduled to be made in any fiscal year, not
19 including partial terms. No member of the board shall serve more
20 than two consecutive full terms.

21 The Governor shall appoint the three licensed members and two
22 of the public members. The Senate Committee on Rules and the
23 Speaker of the Assembly shall each appoint one public member.

24 This section shall become inoperative on July 1, 2005, and, as
25 of January 1, 2006, is repealed, unless a later enacted statute, that
26 becomes operative on or before January 1, 2006, deletes or extends
27 the dates on which it becomes inoperative and is repealed. The
28 repeal of this section renders the board subject to the review
29 required by Division 1.2 (commencing with Section 473).

30 SEC. 34.—Section 7811 of the Business and Professions Code
31 is amended to read:

32 7811.—Each member of the board shall be a citizen of the
33 United States and each licensed member shall have been licensed
34 in this state for at least three years immediately preceding his or
35 her appointment.

36 SEC. 35.—Section 7815 of the Business and Professions Code
37 is repealed.

38 SEC. 36.—Section 7815.5 of the Business and Professions
39 Code is amended to read:

~~7815.5. The board may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in him or her by this chapter or in regulations.~~

~~This section shall become inoperative on July 1, 2005, and, as of January 1, 2006, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2006, deletes or extends the dates on which it becomes inoperative and is repealed.~~

~~SEC. 37. Section 7816 of the Business and Professions Code is amended to read:~~

~~7816. (a) The board pursuant to the provisions contained in Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code, may adopt, amend, or repeal rules and regulations to carry out the provisions this chapter.~~

~~(b) The board shall meet annually and at such other times as it may determine.~~

~~(c) A majority of the duly appointed board members shall constitute a quorum.~~

~~SEC. 38. Section 7817 of the Business and Professions Code is repealed.~~

~~SEC. 39. Section 7818 of the Business and Professions Code is repealed.~~

~~SEC. 40. Section 7819 of the Business and Professions Code is repealed.~~

~~SEC. 41. Section 7820 of the Business and Professions Code is repealed.~~

~~SEC. 42. Section 7822 of the Business and Professions Code is amended to read:~~

~~7822. In addition to any other powers and duties granted under the laws of this state or provided in this chapter:~~

~~(a) The board shall establish by regulation reasonable and necessary fees to be charged to applicants and registrants in connection with, and to support the administration and enforcement of, this chapter.~~

~~(b) The board may, by regulation, provide for the division of the certification of licenses into different specialties, including, but not limited to, petroleum, mining, and groundwater, and may issue certificates in one or more of the specialties in which the applicant demonstrated proficiency. The board shall provide the~~

1 ~~certificates for those qualified in engineering geology and~~
2 ~~hydrogeology.~~

3 ~~(e) The board shall have the authority to prepare, administer,~~
4 ~~and grade examinations required or permitted by this chapter and~~
5 ~~to determine where and when examinations are to be given. In~~
6 ~~connection therewith, the board shall have the authority to adopt~~
7 ~~or recognize, in part or in whole, examinations prepared,~~
8 ~~administered or graded by other entities, on a state or national~~
9 ~~basis, which the board determines are appropriate to measure the~~
10 ~~qualifications of an applicant for licensure as a geologist,~~
11 ~~geophysicist, or in any specialty of geology or geophysics.~~

12 ~~(d) The board shall issue licenses as provided in this chapter.~~

13 ~~(e) The board shall renew and reissue licenses as provided in~~
14 ~~this chapter.~~

15 ~~(f) The board may, by regulation, develop, adopt and issue~~
16 ~~requirements for a program of continuing education.~~

17 ~~(g) The board shall, by regulation, develop, adopt and issue~~
18 ~~professional standards.~~

19 ~~(h) The board may initiate and shall investigate complaints of~~
20 ~~violations of this chapter by any person or organization.~~

21 ~~(i) The members of the board and the executive officer shall~~
22 ~~have the authority to administer oaths and affirmations, in the~~
23 ~~performance of any business of the board, and to issue subpoenas~~
24 ~~to compel the attendance of witnesses and the production of~~
25 ~~evidence.~~

26 ~~(j) The board shall have the authority to issue cease and desist~~
27 ~~orders and to seek injunctions against violations of this chapter or~~
28 ~~the board's rules and regulations.~~

29 ~~(k) The board shall have the authority to enter into agreements~~
30 ~~with bodies that regulate the practice of geology or geophysics, or~~
31 ~~closely related geological or geophysical disciplines, or that~~
32 ~~license or register geologists or geophysicists, and may establish~~
33 ~~agreements with those bodies in other states or countries, for the~~
34 ~~purpose of establishing uniformly high professional standards~~
35 ~~whereby mutual recognition of licensing and registration can be~~
36 ~~achieved.~~

37 ~~(l) The board shall have the authority to grant a temporary~~
38 ~~license to a geologist or geophysicist from another state or country~~
39 ~~as established by regulations.~~

~~(m) The board shall have the authority to appoint advisory committees as required or as deemed advisable to perform duties as the board may direct; provided, however, that the board shall not delegate any final decisionmaking authority to any committee that has as a member any person who is not a member of the board. Membership on those committees is at the discretion of the board. Each member of a committee may receive a per diem and expenses as provided in Section 103 of the code as approved by the board for the performance of his or her duties as a member of the committee.~~

~~(n) The board shall have the authority to retain independent counsel and investigators to provide legal and investigative assistance as may be necessary in enforcing the provisions of this chapter.~~

~~(o) The board shall have all other powers and authority consistent with this chapter and other state laws, whether or not enumerated herein, as are necessary for the administration and enforcement of this chapter.~~

~~SEC. 43. Section 7823 of the Business and Professions Code is repealed.~~

~~SEC. 44. Section 7825 of the Business and Professions Code is repealed.~~

~~SEC. 45. Section 7826 is added to the Business and Professions Code, to read:~~

~~7826. Each board member shall conduct himself or herself according to a code of conduct established by board policy.~~

~~SEC. 46. Section 7830 of the Business and Professions Code is repealed.~~

~~SEC. 47. Section 7830 is added to the Business and Professions Code, to read:~~

~~7830. (a) Any geological document or geological portion of a document prepared for use by others or that the public may reasonably be expected to rely on, including those required by or supporting compliance with all applicable laws, ordinances or regulations, that incorporate or are based on a geological evaluation or on geological data, shall be prepared by or under the supervision of a licensed geologist as evidenced by the geologist's signature and seal.~~

~~(b) Any geophysical document or geophysical portion of a document prepared for use by others or that the public may~~

1 reasonably be expected to rely on, including those required by or
2 supporting compliance with all applicable laws, ordinances, or
3 regulations, that incorporates or is based on a geophysical
4 evaluation or on geophysical data, shall be prepared by or under
5 the supervision of a licensed geophysicist as evidenced by the
6 geophysicist's signature and seal.

7 ~~SEC. 48. Section 7830.1 of the Business and Professions~~
8 ~~Code is repealed.~~

9 ~~SEC. 49. Section 7831 of the Business and Professions Code~~
10 ~~is repealed.~~

11 ~~SEC. 50. Section 7832 of the Business and Professions Code~~
12 ~~is amended to read:~~

13 ~~7832. (a) In order to safeguard life, health, property, and~~
14 ~~public welfare, no person, either in a public or private capacity,~~
15 ~~except as in this chapter specifically exempted, shall practice, offer~~
16 ~~or attempt to practice for others geology or geophysics thereof in~~
17 ~~this state unless the person submits evidence that he or she is~~
18 ~~qualified to practice, and shall be licensed accordingly by the~~
19 ~~board.~~

20 ~~(b) It is unlawful for any person to practice, offer to practice,~~
21 ~~or represent himself or herself, as a geologist or geophysicist in this~~
22 ~~state, unless he or she has been licensed or specifically exempted~~
23 ~~from licensing under this chapter.~~

24 ~~(c) Only a person licensed as a geologist under the provisions~~
25 ~~of this chapter shall be entitled to take and use the title~~
26 ~~"professional geologist." Only a licensed geologist also licensed~~
27 ~~as a certified specialty geologist under the provisions of this~~
28 ~~chapter shall be entitled to take and use the title of a licensed~~
29 ~~certified specialty geologist.~~

30 ~~(d) Only a person licensed as a geophysicist under the~~
31 ~~provisions of this chapter shall be entitled to take and use the title~~
32 ~~"professional geophysicist." Only a licensed geophysicist also~~
33 ~~licensed as a certified specialty geophysicist under the provisions~~
34 ~~of this chapter shall be entitled to take and use the title of a licensed~~
35 ~~certified specialty geophysicist.~~

36 ~~SEC. 51. Section 7832.1 is added to the Business and~~
37 ~~Professions Code, to read:~~

38 ~~7832.1. Any person, except as specifically exempted in this~~
39 ~~chapter, who practices or offers to practice geology or geophysics~~
40 ~~for others in this state, is subject to the provisions of this chapter.~~

1 ~~SEC. 52. Section 7833 of the Business and Professions Code~~
2 ~~is repealed.~~

3 ~~SEC. 53. Section 7833 is added to the Business and~~
4 ~~Professions Code, to read:~~

5 ~~7833. (a) Any firm, corporation, business entity, or~~
6 ~~government agency that offers to engage in or engages in the~~
7 ~~practice for others of geology or geophysics or any specialty~~
8 ~~thereof shall have one or more geologists licensed to practice~~
9 ~~geology, or one or more geophysicists licensed to practice~~
10 ~~geophysics, or the applicable specialty thereof, except as~~
11 ~~otherwise specifically provided by this chapter, who shall be in~~
12 ~~responsible charge and who shall sign and seal all documents as~~
13 ~~provided in this chapter.~~

14 ~~(b) If the principal business of the firm or government agency~~
15 ~~or corporation, as determined by or under regulations issued by the~~
16 ~~board, is engaged in the practice for others of geology or~~
17 ~~geophysics, a principal of the firm or government agency, or an~~
18 ~~officer or director of the corporation, shall be licensed as a~~
19 ~~geologist or geophysicist and shall have overall supervision and~~
20 ~~control of the geological or geophysical work performed in this~~
21 ~~state, except as otherwise specifically provided by this chapter.~~

22 ~~SEC. 54. Section 7834 of the Business and Professions Code~~
23 ~~is repealed.~~

24 ~~SEC. 55. Section 7835 of the Business and Professions Code~~
25 ~~is repealed.~~

26 ~~SEC. 56. Section 7835.1 of the Business and Professions~~
27 ~~Code is repealed.~~

28 ~~SEC. 57. Section 7836 of the Business and Professions Code~~
29 ~~is amended to read:~~

30 ~~7836. Officers and employees of the federal and state~~
31 ~~government, any city or county in the state, or any local agency~~
32 ~~created under state statutes, who perform geological and~~
33 ~~geophysical work that affects public health, safety, and welfare~~
34 ~~shall be licensed under this chapter. This work specifically~~
35 ~~includes review of geological and geophysical reports submitted~~
36 ~~in compliance with applicable state and local regulations, codes,~~
37 ~~and ordinances.~~

38 ~~SEC. 58. Section 7836.1 is added to the Business and~~
39 ~~Professions Code, to read:~~

~~7836.1. The federal government, State of California, its political subdivisions, and all public boards, districts, commissions, or authorities shall contract for geological or geophysical services only with persons licensed under this chapter or with business entities employing geologists or geophysicists licensed under this chapter, who shall be in responsible charge of the geological or geophysical work.~~

~~SEC. 59. Section 7837 is added to the Business and Professions Code, to read:~~

~~7837. The following individuals are not required to be licensed under this chapter:~~

~~(a) An employee or subordinate of a licensee under this chapter, provided that the employee or subordinate is under the supervision of a geologist or geophysicist licensed hereunder.~~

~~(b) An engineer empowered to practice civil engineering in this state, under provisions of Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code insofar as he or she practices engineering in its various branches.~~

~~SEC. 60. Section 7838 of the Business and Professions Code is repealed.~~

~~SEC. 61. Section 7839 of the Business and Professions Code is amended to read:~~

~~7839. This chapter does not authorize a licensed geologist or licensed geophysicist to practice or offer to practice civil engineering and any of its various recognized branches except as authorized under the Business and Professions Code.~~

~~SEC. 62. Section 7839.1 of the Business and Professions Code is amended to read:~~

~~7839.1. This section shall not authorize a licensed geologist to practice or offer to practice geophysics for others in this state except as the geophysical work is related to his or her practice of geology.~~

~~This section shall not authorize a licensed geophysicist to practice or offer to practice geology for others in this state except as the geological work is related to his or her practice of geophysics.~~

~~SEC. 63. Section 7839.2 is added to the Business and Professions Code, to read:~~

~~7839.2. A licensee under this chapter shall not practice or perform geological or geophysical work in any field unless he or~~

1 ~~she is competent and proficient in that field, as demonstrated by~~
2 ~~his or her education and experience.~~

3 ~~SEC. 64. Section 7839.3 is added to the Business and~~
4 ~~Professions Code, to read:~~

5 ~~7839.3. Nothing provided by this chapter shall permit any~~
6 ~~person, firm, or corporation to hold himself, herself, or itself out~~
7 ~~to the public as a geologist or geophysicist, or as being licensed as~~
8 ~~a geologist, geophysicist, certified specialty geologist, or certified~~
9 ~~specialty geophysicist, or as being able to perform geological or~~
10 ~~geophysical services, or to prepare any report or other document~~
11 ~~requiring the signature and seal of a licensee under Section 7852,~~
12 ~~unless the person is licensed under the provisions of this chapter.~~

13 ~~SEC. 65. Section 7840 of the Business and Professions Code~~
14 ~~is amended to read:~~

15 ~~7840. An application for licensure shall be on a form~~
16 ~~prescribed and furnished by the board, signed by the applicant,~~
17 ~~accompanied by the appropriate application fee and shall include~~
18 ~~any information required in regulations.~~

19 ~~SEC. 66. Section 7840.1 is added to the Business and~~
20 ~~Professions Code, to read:~~

21 ~~7840.1. An applicant shall remit fees for application,~~
22 ~~examination, licensure, and renewal of license, pursuant to~~
23 ~~Section 7822, and any other fees as may be required by the board.~~

24 ~~SEC. 67. Section 7841 of the Business and Professions Code~~
25 ~~is amended to read:~~

26 ~~7841. For licensure as a geologist, an applicant shall meet the~~
27 ~~following requirements:~~

28 ~~(a) The applicant shall not have been convicted of any acts or~~
29 ~~crime constituting grounds for denial of licensure under Section~~
30 ~~480.~~

31 ~~(b) The applicant shall have obtained a degree with a major in~~
32 ~~geological sciences from a college or university. The board may~~
33 ~~identify, by regulation, those core curricula in geological sciences~~
34 ~~that are deemed to meet minimum educational requirements.~~

35 ~~(c) (1) The applicant shall have a documented record of a~~
36 ~~minimum of five years of experience in geology or a specialty of~~
37 ~~geology, obtained subsequent to completion of the academic~~
38 ~~requirements specified in this chapter, and professional geological~~
39 ~~experience of a character satisfactory to the board, demonstrating~~
40 ~~that the applicant is qualified to assume responsible charge of~~

1 appropriate work upon licensure as a geologist. The experience
2 must be gained under the supervision of a geologist or geophysicist
3 licensed in this or any other state, or under the supervision of others
4 who, in the opinion of the board, have the training and experience
5 to have responsible charge of geological work.

6 (2) Each year of full-time graduate study satisfactorily
7 completed in the geological sciences shall qualify as one year of
8 professional experience in geology up to a maximum of two years.

9 (3) The board may accept full-time geological research or
10 teaching of persons at the college or university level as
11 professional geological experience, provided that the research or
12 teaching, in the judgment of the board, is comparable to
13 professional geological experience obtained in the practice of
14 geology or a specialty in geology.

15 (d) The applicant shall have passed a written examination that
16 incorporates a national examination for geologists created by a
17 nationally recognized entity approved by the board, and a
18 supplemental California specific examination. The California
19 specific examination shall test the applicant's knowledge of state
20 laws, rules and regulations, and of seismicity and geology unique
21 to practice within this state.

22 (e) The applicant shall meet any other general or individual
23 requirements as may be established by the board pursuant to its
24 authority under this chapter.

25 SEC. 68. Section 7841.1 of the Business and Professions
26 Code is amended to read:

27 7841.1. For licensure as a geophysicist, an applicant shall
28 meet the following requirements:

29 (a) The applicant shall not have been convicted of any acts or
30 crime constituting grounds for denial of licensure under Section
31 480.

32 (b) The applicant shall have one of the following:

33 (1) Obtained a degree with a major in geophysics from a
34 college or university.

35 (2) Completed a program recognized by the board that
36 includes at least 30 semester or 45 quarter hours of credit, with a
37 major in geophysics.

38 (3) Satisfied education equivalents determined by the board. At
39 least 24 semester or 36 quarter hours shall be in upper division or
40 graduate courses. The board may identify, by regulation, those

~~core curricula in geophysical sciences that are deemed to meet minimum educational requirements.~~

~~(c) (1) The applicant shall have a documented record of a minimum of five years of experience in geophysics or a specialty of geophysics, obtained subsequent to completion of the academic requirements specified in this chapter, and professional geophysical experience of a character satisfactory to the board, demonstrating that the applicant is qualified to assume responsible charge of appropriate work upon licensure as a geophysicist. The experience must be gained under the supervision of a geophysicist or geologist licensed in this or any other state, or under the supervision of others who, in the opinion of the board, have the training and experience to have responsible charge of geophysical work.~~

~~(2) Each year of full-time graduate study satisfactorily completed in the geophysical sciences or in a specialty of geophysics shall qualify as one year of professional experience in geophysics, up to a maximum of two years.~~

~~(3) The board may accept full-time geophysical research or teaching of persons at the college or university level as professional geophysical experience, provided that such research or teaching, in the judgment of the board, is comparable to professional geophysical experience obtained in the practice of geophysics or a specialty in geophysics.~~

~~(d) The applicant shall have passed an examination covering the fundamentals and practice of geophysics prescribed or accepted by the board.~~

~~(e) The applicant shall meet such other general or individual requirements as may be established by the board pursuant to its authority under this chapter.~~

~~SEC. 69. Section 7841.3 is added to the Business and Professions Code, to read:~~

~~7841.3. "Professional geological experience" is work that requires the application of scientific knowledge, principles, and methods to geological evaluations through the exercise of individual initiative, judgment, and decisionmaking skills in investigating, analyzing, predicting, and reporting on the physical phenomena of the earth.~~

~~SEC. 70. Section 7841.4 is added to the Business and Professions Code, to read:~~

~~7841.4. “Professional geophysical experience” is work performed under the supervision of a licensed geophysicist that requires the application of scientific knowledge, principles, and methods to geophysical evaluations through the exercise of individual initiative, judgment, and decisionmaking skills in investigating, analyzing, predicting, and reporting on the physical phenomena of the earth.~~

~~SEC. 71. Section 7842 of the Business and Professions Code is amended to read:~~

~~7842. For licensure in any geological specialty recognized pursuant to this chapter, an applicant shall meet the following requirements:~~

~~(a) Be licensed as a geologist by the board.~~

~~(b) The applicant shall have a documented record of a minimum of three years of experience in the applicable specialty and in geological work of a character satisfactory to the board, demonstrating that the applicant is qualified to assume responsible charge of any specialty work upon licensure in that specialty of geology. The experience must be gained under the supervision of a geologist licensed in the specialty in this or any other state, or under the supervision of others who, in the opinion of the board, are qualified to have responsible charge of geological work in the specialty.~~

~~(c) The applicant shall have passed a written examination covering the applicable specialty as prescribed by the board.~~

~~SEC. 72. Section 7842.1 of the Business and Professions Code is repealed.~~

~~SEC. 73. Section 7842.1 is added to the Business and Professions Code, to read:~~

~~7842.1. For licensure in any geophysical specialty recognized pursuant to this chapter, an applicant shall meet the following requirements:~~

~~(a) Be licensed as a geophysicist by the board.~~

~~(b) The applicant shall have a documented record of a minimum of three years of experience in the applicable specialty and in geophysical work of a character satisfactory to the board, demonstrating that the applicant is qualified to assume responsible charge of any specialty work upon licensure in that specialty of geophysics. The experience must be gained under the supervision of a geophysicist licensed in the specialty in this or any other state,~~

1 or under supervision of others who, in the opinion of the board, are
2 qualified to have responsible charge of geophysical work in the
3 specialty.

4 (e) The applicant shall have passed a written examination
5 covering the applicable specialty as prescribed by the board.

6 SEC. 74. Section 7844 of the Business and Professions Code
7 is amended to read:

8 7844. Examinations shall be given for the purpose of
9 determining the knowledge of applicants for licensure as
10 geologists, geophysicists, certified specialty geologists, or
11 certified specialty geophysicists.

12 SEC. 75. Section 7845 of the Business and Professions Code
13 is repealed.

14 SEC. 76. Section 7845.1 of the Business and Professions
15 Code is repealed.

16 SEC. 77. Section 7846 of the Business and Professions Code
17 is repealed.

18 SEC. 78. Section 7847 of the Business and Professions Code
19 is repealed.

20 SEC. 79. Section 7848 of the Business and Professions Code
21 is repealed.

22 SEC. 80. Section 7848.1 of the Business and Professions
23 Code is repealed.

24 SEC. 81. Section 7849 of the Business and Professions Code
25 is amended to read:

26 7849. In determining the qualifications of an applicant for
27 temporary licensure, a majority vote of the board is required.

28 SEC. 82. Section 7850 of the Business and Professions Code
29 is repealed.

30 SEC. 83. Section 7850 is added to the Business and
31 Professions Code, to read:

32 7850. The board shall issue an appropriate certificate
33 evidencing licensure as a geologist or geophysicist or in any
34 specialty of geology or geophysics recognized by the board, upon
35 payment of the applicable licensure fee to any applicant who, in
36 the opinion of the board, has satisfactorily met all the requirements
37 of this chapter for licensure as a geologist or geophysicist or as a
38 certified specialty geologist or certified specialty geophysicist.
39 Such certificate shall show the full name of the licensee, shall have

1 a license number, and shall be signed by the executive officer or
2 an appropriate officer of the board under seal of the board.

3 ~~SEC. 84. Section 7850.1 of the Business and Professions~~
4 ~~Code is repealed.~~

5 ~~SEC. 85. Section 7850.5 of the Business and Professions~~
6 ~~Code is repealed.~~

7 ~~SEC. 86. Section 7850.6 of the Business and Professions~~
8 ~~Code is repealed.~~

9 ~~SEC. 87. Section 7852 of the Business and Professions Code~~
10 ~~is amended to read:~~

11 ~~7852. (a) Each licensee shall obtain a seal of a design~~
12 ~~established by regulations of the board bearing the licensee's~~
13 ~~name, license number the legend. "Professional Geologist," or~~
14 ~~"Professional Geophysicist," and which may indicate any~~
15 ~~certified specialty in which the individual is licensed.~~

16 ~~(b) Geological or geophysical reports, plans, specifications,~~
17 ~~and other documents prepared by a licensed geologist or licensed~~
18 ~~geophysicist, or by a subordinate under the supervision of a~~
19 ~~licensed geologist or licensed geophysicist, shall include the~~
20 ~~licensee's name and license number and the licensee's signature~~
21 ~~and an impression of his or her seal, in accordance with regulations~~
22 ~~issued by the board.~~

23 ~~SEC. 88. Section 7852.1 of the Business and Professions~~
24 ~~Code is repealed.~~

25 ~~SEC. 89. Section 7853 of the Business and Professions Code~~
26 ~~is repealed.~~

27 ~~SEC. 90. Section 7853 is added to the Business and~~
28 ~~Professions Code, to read:~~

29 ~~7853. The board shall have the authority to adopt regulations~~
30 ~~regarding expiration, cancellation, renewal, and replacement of~~
31 ~~licenses.~~

32 ~~SEC. 91. Section 7854 of the Business and Professions Code~~
33 ~~is repealed.~~

34 ~~SEC. 92. Section 7854 is added to the Business and~~
35 ~~Professions Code, to read:~~

36 ~~7854. The issuance by the board of a license to an individual~~
37 ~~shall be prima facie evidence that the person named therein is~~
38 ~~entitled to all rights and responsibilities of a licensed geologist,~~
39 ~~licensed geophysicist, licensed certified specialty geologist, or~~
40 ~~licensed certified specialty geophysicist, who is licensed to~~

~~practice geology or geophysics, while such remains unrevoked, unsuspended, or unexpired.~~

~~SEC. 93. Section 7855 of the Business and Professions Code is repealed.~~

~~SEC. 94. Section 7856 is added to the Business and Professions Code, to read:~~

~~7856. Each licensee under this chapter is required to use his or her license number or numbers in advertising for services offered to the public.~~

~~SEC. 95. Section 7860 of the Business and Professions Code is amended to read:~~

~~7860. (a) Any person may bring a complaint which shall be filed with the executive officer of the board alleging a violation of this act and regulations promulgated hereunder. The board shall investigate complaints brought to its attention, and in connection therewith may employ investigators, expert witnesses, and hearing officers, and conduct hearings to determine whether disciplinary or other action should be taken. The executive officer, upon a finding of probable cause following an investigation, may file a verified charge against an individual with commission of a violation of this act and regulations promulgated hereunder. A disciplinary action may be informally settled by the executive officer and the person, firm, or corporation which is the subject of the action, either before or after a hearing is commenced.~~

~~(b) The board may impose appropriate penalties for violations that have occurred in this state or in any other state on any of the following grounds:~~

~~(1) Conviction of a felony, or the imposition of an administrative, civil, or criminal fine, or sentence of imprisonment or probation in lieu thereof, for any misdemeanor relating to or arising out of the practice of geology or geophysics, or the issuance of a cease and desist order or similar penalty relating to or arising out of the practice of geology or geophysics.~~

~~(2) Conduct of any incompetence, misconduct, fraud, deceit, misrepresentation, violation of contract, or negligence in or related to the practice of geology or geophysics.~~

~~(3) Practice of any fraud or deceit in obtaining a license as a geologist, geophysicist, certified specialty geologist, or certified specialty geophysicist.~~

~~(4) Use of the seal of another, or using or allowing use of one's seal on geological or geophysical work not performed by or under the supervision of the licensee, or otherwise aiding or abetting any person in a violation of any provision of this chapter.~~

~~(5) Violation of any provision of this chapter or of a rule or regulation issued hereunder, or of any provision of the laws and regulations and ordinances relating to the practice of geology or geophysics of the state or of any of its political subdivisions or of any other state or country.~~

~~(6) Revocation or suspension of a license, or denial of renewal thereof, or any disciplinary action by any state agency of any other state, including any other board of registration, or similar licensing agency for geologists or geophysicists or for any profession or occupation related to the practice of geology or geophysics, provided that the penalty imposed by the board shall not exceed in severity or duration the penalty upon which the action is based.~~

~~(7) The practice of or offering to practice geology or geophysics or a specialty of geology or geophysics, or holding oneself out as being licensed or qualified to practice geology or geophysics or a qualified specialty, in which the performance thereof significantly affects the safeguarding of life, health, property, or the environment, as defined herein, by an individual who is not licensed pursuant to this chapter, or by a firm or corporation not employing a licensed geologist, licensed geophysicist, licensed certified specialty geologist, or licensed certified specialty geophysicist as required by this chapter.~~

~~(8) The practice by any unlicensed person who in any manner makes use of the term "Licensed Geologist," "Professional Geologist," "P.G.," "Licensed Geophysicist," "Professional Geophysicist," "P.Gp.," "Certified Engineering Geologist," "C.E.G.," "Certified Hydrogeologist," "C.Hg.," or claims any specialty in geology or geophysics, as a professional, business or commercial identification, title, name, representation, claim, or otherwise holds out to the public, as being licensed to practice geology or geophysics.~~

~~(9) Alteration or revision by any unlicensed person of any document, map or work signed or sealed by a licensed geologist or licensed geophysicist unless the alteration or revision is signed and sealed by a licensed geologist or licensed geophysicist, or~~

1 ~~changes or alters the name or seal of another licensed geologist or~~
2 ~~licensed geophysicist on any document, map, or work.~~

3 ~~(10) Using the seal or signing any document under a license~~
4 ~~which has expired or has been suspended or revoked.~~

5 ~~(11) Managing, or conducting as manager, proprietor, or agent,~~
6 ~~any place of business from which geological or geophysical work~~
7 ~~or specialty work, not exempted by this chapter, is offered,~~
8 ~~performed, or practices for others, unless the work is supervised~~
9 ~~or performed by a licensed geologist or licensed geophysicist or a~~
10 ~~licensed certified specialty geologist or licensed certified specialty~~
11 ~~geophysicist, as applicable.~~

12 ~~(12) Failure to protect the health, safety, or welfare of the~~
13 ~~public, as it relates to the practice of geology or geophysics.~~

14 ~~SEC. 96.—Section 7861 of the Business and Professions Code~~
15 ~~is amended to read:~~

16 ~~7861.—Hearings and appeal procedures shall be conducted in~~
17 ~~accordance with Chapter 3.5 (commencing with Section 11340),~~
18 ~~Chapter 4 (commencing with Section 11370), Chapter 4.5~~
19 ~~(commencing with Section 11400), and Chapter 5 (commencing~~
20 ~~with Section 11500) of the Government Code.~~

21 ~~SEC. 97.—Section 7862 of the Business and Professions Code~~
22 ~~is repealed.~~

23 ~~SEC. 98.—Section 7863 of the Business and Professions Code~~
24 ~~is repealed.~~

25 ~~SEC. 99.—Section 7864 is added to the Business and~~
26 ~~Professions Code, to read:~~

27 ~~7864.—The board may, by a majority vote, impose disciplinary~~
28 ~~actions under Sections 11517, 11518, 11519, and 11520 of the~~
29 ~~Government Code.~~

30 ~~SEC. 100.—Section 7865 is added to the Business and~~
31 ~~Professions Code, to read:~~

32 ~~7865.—If it appears that a violation of any law enforced by a~~
33 ~~government agency may have occurred, the board may report~~
34 ~~disciplinary actions to regulatory or other officials in this state, to~~
35 ~~any other registration or licensing board or organization acting on~~
36 ~~behalf of its member boards in other states, or to any appropriate~~
37 ~~local, state, or federal law enforcement agency.~~

38 ~~SEC. 101.—Section 7870 of the Business and Professions Code~~
39 ~~is repealed.~~

1 ~~SEC. 102.— Section 7871 of the Business and Professions Code~~
2 ~~is amended to read:~~

3 ~~7871.— It shall be the duty of the respective law enforcement~~
4 ~~officers charged with the enforcement of laws and ordinances to~~
5 ~~prosecute all persons charged with the violation of any of the~~
6 ~~provisions of this chapter.~~

7 ~~It shall be the duty of the executive officer, under the direction~~
8 ~~of the board, to aid these officers in the enforcement of this chapter.~~

9 ~~SEC. 103.— Section 7871.1 is added to the Business and~~
10 ~~Professions Code, to read:~~

11 ~~7871.1.— Any public agency that reviews geological or~~
12 ~~geophysical reports or documents shall submit to the board reports~~
13 ~~or documents that may contain evidence of violations of this act.~~

14 ~~SEC. 104.— Section 7872 of the Business and Professions Code~~
15 ~~is amended to read:~~

16 ~~7872.— Every person is guilty of a misdemeanor and for each~~
17 ~~offense of which he or she is convicted is punishable by a fine of~~
18 ~~not more than one thousand dollars (\$1,000) or by imprisonment~~
19 ~~not to exceed three months, or by both fine and imprisonment if he~~
20 ~~or she violates any provision of this chapter.~~

21 ~~SEC. 105.— Section 7880 of the Business and Professions Code~~
22 ~~is repealed.~~

23 ~~SEC. 106.— Section 7881 of the Business and Professions Code~~
24 ~~is repealed.~~

25 ~~SEC. 107.— Section 7882 of the Business and Professions Code~~
26 ~~is repealed.~~

27 ~~SEC. 108.— Section 7883 of the Business and Professions Code~~
28 ~~is repealed.~~

29 ~~SEC. 109.— Section 7884 of the Business and Professions Code~~
30 ~~is repealed.~~

31 ~~SEC. 110.— Section 7885 of the Business and Professions Code~~
32 ~~is amended to read:~~

33 ~~7885.— All funds remitted to the board pursuant to this chapter~~
34 ~~shall be deposited in and expended from a separate fund created~~
35 ~~in the State Treasury, to be known as the Geology and Geophysics~~
36 ~~Fund, which fund is hereby created by this chapter.~~

37 ~~SEC. 111.— Section 7887 of the Business and Professions Code~~
38 ~~is repealed.~~

39 ~~SEC. 112.—~~

1 *SEC. 13.* Section 8710 of the Business and Professions Code
2 is amended to read:

3 8710. (a) The Board for Professional Engineers and Land
4 Surveyors is vested with power to administer the provisions and
5 requirements of this chapter, and may make and enforce rules and
6 regulations that are reasonably necessary to carry out its
7 provisions.

8 (b) The board may adopt rules and regulations of professional
9 conduct that are not inconsistent with state and federal law. The
10 rules and regulations may include definitions of incompetence and
11 negligence. Every person who holds a license or certificate issued
12 by the board pursuant to this chapter, or a license or certificate
13 issued to a civil engineer pursuant to Chapter 7 (commencing with
14 Section 6700), shall be governed by these rules and regulations.

15 (c) This section shall become inoperative on July 1, 2004, and,
16 as of January 1, 2005, is repealed, unless a later enacted statute,
17 which becomes effective on or before January 1, 2005, deletes or
18 extends the dates on which it becomes inoperative and is repealed.
19 The repeal of this section shall render the board subject to the
20 review required by Division 1.2 (commencing with Section 473).
21 However, the review of this board shall be limited to only those
22 unresolved issues identified by the Joint Legislative Sunset
23 Review Committee.

24 ~~SEC. 113.~~

25 *SEC. 14.* Section 8741.1 of the Business and Professions
26 Code is amended to read:

27 8741.1. The second division of the examination for licensure
28 as a land surveyor shall include an examination that incorporates
29 a national examination for land surveying by a nationally
30 recognized entity approved by the board, and a supplemental
31 California specific examination. The California specific
32 examination shall test the applicant's knowledge of the provisions
33 of this chapter and the board's rules and regulations regulating the
34 practice of professional land surveying in this state. The board
35 shall prepare and distribute to applicants for the second division of
36 the examination a plain language pamphlet describing the
37 provisions of this chapter and the board's rules and regulations
38 regulating the practice of land surveying in the state.

39 The board shall use the national examination on or before June
40 1, 2003. In the meantime, the board may continue to provide the

1 current state-only second division examination and administer the
2 test on the provisions of this chapter and board rules as a separate
3 part of the second division examination for licensure as a land
4 surveyor.

5 ~~SEC. 114.~~

6 *SEC. 15.* Section 8801 of the Business and Professions Code
7 is amended to read:

8 8801. Licenses issued under this chapter expire every two
9 years, if not renewed. Biennial renewals shall be staggered on a
10 quarterly basis. To renew an unexpired license the license holder
11 shall on or before the date of expiration indicated on the renewal
12 receipt, apply for renewal on a form prescribed by the board, and
13 pay the renewal fee prescribed by this chapter.

14 ~~SEC. 115.~~

15 *SEC. 16.* Section 8805 of the Business and Professions Code
16 is amended to read:

17 8805. The amount of the fees prescribed by this chapter shall
18 be fixed by the board in accordance with the following schedule:

19 (a) The fee for filing each application for licensure as a land
20 surveyor at not more than four hundred dollars (\$400), and for
21 each application for certification as a land surveyor-in-training
22 (LSIT) at not more than one hundred dollars (\$100).

23 (b) The temporary registration fee for a land surveyor at not
24 more than 25 percent of the application fee in effect on the date of
25 application.

26 (c) The renewal fee for a land surveyor at not more than the
27 application fee.

28 (d) The fee for a retired license at not more than 50 percent of
29 the professional land surveyor application fee in effect on the date
30 of application.

31 (e) The delinquency fee at not more than 50 percent of the
32 renewal fee in effect on the date of reinstatement.

33 (f) The board shall establish by regulation an appeal fee for
34 examination. The regulation shall include provisions for an
35 applicant to be reimbursed the appeal fee if the appeal results in
36 passage of examination. The fee shall be no more than the costs
37 incurred by the board.

38 (g) All other document fees are to be set by the board by rule.

39 ~~SEC. 116.~~

1 *SEC. 17.* Section 22251 of the Business and Professions Code
2 is amended to read:

3 22251. For the purposes of this chapter, the following words
4 have the following meanings:

5 (a) (1) Except as otherwise provided in paragraph (2), “tax
6 preparer” includes:

7 (A) A person who, for a fee or for other consideration, assists
8 with or prepares tax returns for another person or who assumes
9 final responsibility for completed work on a return on which
10 preliminary work has been done by another person, or who holds
11 himself or herself out as offering those services. A person engaged
12 in that activity shall be deemed to be a separate person for the
13 purposes of this chapter, irrespective of affiliation with, or
14 employment by, another tax preparer.

15 (B) A corporation, partnership, association, or other entity that
16 has associated with it persons not exempted under Section 22258,
17 which persons shall have as part of their responsibilities the
18 preparation of data and ultimate signatory authority on tax returns
19 or that holds itself out as offering those services or having that
20 authority.

21 (2) Notwithstanding paragraph (1), “tax preparer” does not
22 include an employee who, as part of the regular clerical duties of
23 his or her employment, prepares his or her employer’s income,
24 sales, or payroll tax returns.

25 (b) “Tax return” means a return, declaration, statement, refund
26 claim, or other document required to be made or filed in
27 connection with state or federal income taxes or state bank and
28 corporation franchise taxes.

29 (c) An “approved curriculum provider,” for purposes of basic
30 instruction as described in subdivision (a) of Section 22255, and
31 continuing education as described in subdivision (b) of Section
32 22255, is one who has been approved by the council as defined in
33 subdivision (d), or by the Bureau for Private Postsecondary and
34 Vocational Education under Chapter 7 (commencing with Section
35 94700) of Part 59 of Division 10 of the Education Code. A
36 curriculum provider who is approved by the tax education council
37 is exempt from Chapter 7 (commencing with Section 94700) of
38 Part 59 of Division 10 of the Education Code.

39 (d) “Council” means the California Tax Education Council
40 which is a single organization made up of not more than one

1 representative from each professional society, association, or other
2 entity operating as a California nonprofit corporation which
3 chooses to participate in the council and which represents tax
4 preparers, enrolled agents, attorneys, or certified public
5 accountants with a membership of at least 200 for the last three
6 years, and not more than one representative from each for-profit
7 tax preparation corporation which chooses to participate in the
8 council and which has at least 200 employees and has been
9 operating in California for the last three years. The council shall
10 include two representatives who are tax preparers.

11 ~~SEC. 117.~~

12 *SEC. 18.* Section 22259 of the Business and Professions Code
13 is amended to read:

14 22259. This chapter shall be subject to the review required by
15 Division 1.2 (commencing with Section 473).

16 This chapter shall become inoperative on July 1, 2008, and, as
17 of January 1, 2009, is repealed, unless a later enacted statute,
18 which becomes effective on or before January 1, 2009, deletes or
19 extends that date on which it becomes inoperative and is repealed.

20 ~~SEC. 118.~~

21 *SEC. 19.* No reimbursement is required by this act pursuant
22 to Section 6 of Article XIII B of the California Constitution
23 because the only costs that may be incurred by a local agency or
24 school district will be incurred because this act creates a new crime
25 or infraction, eliminates a crime or infraction, or changes the
26 penalty for a crime or infraction, within the meaning of Section
27 17556 of the Government Code, or changes the definition of a
28 crime within the meaning of Section 6 of Article XIII B of the
29 California Constitution.

